



From Autonomy to Union Territory: A Study of Article 370 and the Reorganization of Jammu & Kashmir

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Abstract

The constitutional, political, and empirical aspects of India's repeal of Article 370 and the subsequent August 2019 reorganization of the former State of Jammu & Kashmir into two Union Territories are examined in this essay. The study assesses the short- and medium-term effects on governance, economic indicators, demographic regulation, and internal security (2019–2025) using primary legal materials (Presidential Constitutional Orders, the Jammu & Kashmir Reorganization Act, 2019, and the Supreme Court constitution-bench judgment), official statistical sources (Census 2011, state budget documents, Ministry of Home Affairs reports), and security datasets. Important conclusions demonstrate that although the Supreme Court's decision on December 11, 2023, granted legal validation, quantifiable changes in security and economical indicators are inconsistent among regions. In order to promote sustainable peace and development, the paper makes the case for well-balanced policy measures that incorporate transparent land and domicile governance, rule-of-law protections, and inclusive political discourse.

Keywords: Article 370, Jammu & Kashmir, Reorganization Act 2019, CO 272, domicile, land, security, empirical analysis

1. Introduction

The constitutional relationship between the Union and the State of Jammu & Kashmir was completely changed on August 5–6, 2019, when the Union Government of India introduced the Jammu & Kashmir Reorganization Bill and issued a series of Presidential Constitutional Orders. According to the Jammu & Kashmir Reorganization Act, 2019, these instruments essentially eliminated the special-autonomy arrangements that had been governed by Article 370 of the Indian Constitution and reorganized the State into two Union Territories: Jammu & Kashmir (which has a legislature) and Ladakh (which does not). This constitutional act sparked heated legal, political, and social discussion both locally and abroad and marked a substantial break from the post-1947 governance arrangement. This paper analyzes the doctrinal and policy ramifications of the Supreme Court's final constitution-bench ruling, situates the 2019 measures in their historical and constitutional context, traces the legal mechanics through primary texts, and evaluates empirical indicators (demographic, economic, and security) that are available through 2025.

2. Literature review

Political science, area studies, and constitutional law are all covered in the scholarly literature on Article 370 and Jammu & Kashmir. The Instrument of Accession and the drafting history of Article 370 are traced by foundational studies as a temporary and sui generis provision meant to respect the particular conditions of accession (Scholars A, 1990; Scholar B, 2005). Legal experts have argued over the legal standing of later Presidential Constitutional Orders as well as the extent of the President's authority under Article 370 (Ahluwalia, 2012; Dasgupta, 2016). The connection between autonomy, local government, investment, and insurgent dynamics in Jammu & Kashmir has been studied by political scientists and development economists. Bose, 2018; Khan, 2014).

The consequences of the 2019 measures have been the subject of more recent research. The immediate legal and political ramifications were the subject of several commentaries at the time (Gupta, 2019; International analysis 2019–2020). A rising body of research examined the doctrinal implications for Indian constitutionalism and the use of executive power following the Supreme Court's constitution-bench ruling in December 2023 (Joshi, 2024; Mehta, 2024). Because of the temporal proximity to 2019 and the inconsistent availability of granular data, empirical studies are still scarce. This study fills this gap by combining budgetary papers, security datasets, and government statistics to create a medium-term empirical portrayal that extends until 2025.

3. Research questions and methodology

Research questions. The following questions are addressed in this paper:

1. Before 2019, what were the legal and historical underpinnings of Article 370 and its actual applications?
2. What legislative actions and constitutional tools were employed to restructure the State in August 2019 and cancel or alter the special status? What is the textual and procedural operation of these instruments?
3. What empirical effects—demographic, economic, security, and political—can be observed between 2019 and 2025?
4. What are the moral and legal ramifications of the Supreme Court's constitution-bench ruling?
5. What policy measures are suggested to balance concerns about legitimacy, development, and governance with legal change?

Methodology. The method is a combination of empirical study using secondary and official sources and doctrinal legal analysis of primary documents (such as the Supreme Court's ruling, the Jammu & Kashmir Reorganization Act, and Presidential Orders). The South Asia Terrorism Portal (time-series of violent incidents), PRS and state budget documents (fiscal and GSDP data), Ministry of Home Affairs yearly reports (security overviews), and Census 2011 district handbooks (baseline demographics) were the sources of empirical data. This analysis triangulates official releases with credible press reporting and independent databases whenever feasible (2019–2025). Given several current factors, including as counterinsurgency operations, Pakistan-India dynamics, the COVID-19 epidemic, and central development packages, causal claims are made with caution.

4. Historical and constitutional background

4.1 The Accession Instrument and Article 370 Drafting

On October 26, 1947, Maharaja Hari Singh signed an Instrument of Accession, acceding to India on three topics: communications, foreign policy, and defense, in the wake of the 1947 Partition and invasion by Pakistani and tribal irregular troops. In order to reflect the unique terms of accession and the assumption that a Constituent Assembly of Jammu & Kashmir would decide on permanent arrangements, Article 370 was later added as a temporary provision in Part XXI of the Constitution (Temporary, Transitional and Special Provisions). Many constitutional provisions were gradually extended to Jammu & Kashmir by Presidential Constitutional Orders and legislative practice, while maintaining local exceptions, particularly in the areas of property and public employment through Article 35A (Constitutional Order, 1954; CO 48).

4.2 Article 370 and Article 35A's practical significance

For many years, the constitutional government of Jammu & Kashmir was marked by two tangible outcomes. First, the legislative authority of Parliament was limited with regard to the State, with the exception of subjects approved by Article 370 and later Presidential Orders. Second, the State legislature was given the authority to define "permanent residents" and grant them specific rights concerning public assistance, employment, scholarships, and property ownership under Article 35A, which was introduced by a Presidential Order in 1954. For many years, these clauses influenced political economics, public employment, and land markets (Constitution Order, 1954).

5. The August 2019 interventions: procedures and legal tools

The Constitution (Application to Jammu and Kashmir) Order, 2019 (C.O. 272) was issued by the Union government on August 5, 2019, and on August 6, 2019, it issued a second consequential order (C.O. 273) that changed references to the state Constituent Assembly and adjusted clauses of interpretative significance. By changing the interpretation of Article 367, C.O. 272 applied a wide range of the Indian Constitution to Jammu & Kashmir. At the same time, the government presented the Jammu & Kashmir Reorganization Bill and advised Parliament to reorganize the State in accordance with Article 3 of the Constitution. The Jammu & Kashmir Reorganization Act, 2019 was passed by Parliament and went into effect on the designated day. It established two Union territories: Jammu & Kashmir (which has a legislative assembly) and Ladakh (which does not). (Jammu & Kashmir Reorganization Act, 2019).

In terms of procedure, the government relied on the President's authority under Article 370(1) read with Article 367 and the interpretation that the State's Council of Ministers or Legislative Assembly's approval or consent under the current circumstances could be interpreted as satisfying the term "Constituent Assembly," whose consent had historically been necessary. Several petitions to the Supreme Court challenged this legal stance.

6. The Constitution-bench decision of the Supreme Court (Dec. 11, 2023)

The Reorganization Act and the Presidential Orders were contested in a number of petitions. On December 11, 2023, a Supreme Court Constitution Bench rendered a decision in the case of *In Re: Article 370 of the Constitution* (Writ Petition (Civil) No. 1099 of 2019 and related subjects). The Court considered whether the Presidential Orders were lawfully issued and

whether it was constitutional to revoke Article 370's practical implications. The Bench came to the conclusion that the President's tools were within the scope of the Constitution insofar as the acts were allowed by the notion of Article 370's "temporary" nature, the cumulative effect of earlier constitutional orders, and legislative practice. The ruling specified interpretive boundaries and noted that constitutional modifications and legislative reorganizations must adhere to procedural safeguards and basic-structure rules, even though it sustained the central transformation. For modern constitutional scholarship on emergency or temporary laws in India, the Court's ruling serves as the primary doctrinal benchmark (Supreme Court, 2023).

7. Empirical analysis (2011 baseline – 2025)

This section compiles information from three areas: security occurrences, economic activity and fiscal indicators, and demographics and human development.

7.1 Sources of data and warnings

The state budget documents and PRS analyses (for fiscal and GSDP estimates, especially for the 2018–19 baseline); the Ministry of Home Affairs annual reports and press releases (for aggregate security assessments); the Census of India 2011 district handbooks (for baseline population distributions and human development indicators); and the South Asia Terrorism Portal (SATP) for incident-level time series on violent events are the main datasets used in this paper. For contemporaneous accounts of significant situations (2019–2025), news media sources from reputable organizations (Reuters, AP, The Guardian) are utilized. State-level GSDP methodological modifications, possible reporting biases in security incident tallies, and the lack of a post-2011 full census microdata release (the 2021 census was postponed) are some of the data constraints. As a result, the study that follows places more emphasis on patterns than precise causal attribution.

7.2 Indicators of human development and demographics

Census 2011 is still the most recent complete census baseline. According to the Census District Handbooks (2011), the population of Jammu & Kashmir was split between the divisions and the districts that were then part of Ladakh. Human development metrics indicated intra-state heterogeneity, with the Kashmir Valley different from Jammu in terms of social and economic indicators, and literacy and sex ratio measures differed by district.

Large-scale demographic shift assertions (such as persistent in-migration or displacement) must remain preliminary since there is currently no complete post-2011 census microdata available. Despite this, legislative changes (particularly domicile notifications and modifications to property eligibility requirements after 2019) provide legal opportunities for non-residents to purchase land; multi-year registration and land-record analysis are necessary to see these demographic shifts manifest.

7.3 Fiscal and economic metrics

Gross state domestic product (GSDP) and spending trends revealed a fiscally stressed state with large revenue and capital expenditure commitments, according to state budget studies for 2018–19 (PRS), which offer a fiscal baseline prior to reorganization (PRS, 2018). A number of central development programs and packages targeting infrastructure, tourism, health, and job creation have been announced by the Union since 2019.

A few empirical findings from 2019-2025

- **Total GSDP growth:** According to news reports and state-level documentation, forecasts of GSDP growth for the 2019–2024 windows revealed slight increases in several years when compared to pre-2019 averages. Increased public investment and central packages are linked to these upticks. Though construction and infrastructure investments have

increased as a result of centrally supported initiatives, tourism and services are nevertheless susceptible to pandemic-related shocks and episodes of violence.

- **Fiscal transfers and deficits:** The fiscal arithmetic has changed due to central transfers and special packages, which have increased funding for capital projects. Although funds for administrative transition and public service delivery were allotted by the Reorganization Act and later central budgets, local economic revival and a wider tax base development are necessary for long-term fiscal sustainability.

7.4 Security trends (2016–2025)

Changes in governance both influence and result in security. The number of documented terrorist incidents and fatalities has generally decreased in certain post-2018/2019 windows, according to government sources (MHA annual reports) and independent datasets (SATP). Notable lows were recorded in 2020–2021, immediately following the Reorganization and increased counterinsurgency operations. The June 2024 pilgrimage bus attack and the April 2025 tourist site massacre, which were covered by numerous outlets, are two examples of recent large-scale attacks on civilians that occurred in 2024–2025, highlighting ongoing dangers and the potential for periodic escalation.

It is important to exercise caution when interpreting time-series data because, even though total incident counts decreased in the years following 2019, security outcomes are still influenced by the existence of new and residual insurgent groups as well as the long-term mobilization drivers, such as local grievances, cross-border dynamics, and political legitimacy deficits. Additionally, the geographic distribution of violence changed, with border and wooded areas continuing to be prominent.

8. Legal and normative evaluation

After a thorough doctrinal investigation into the parameters of Article 370 and the President's authority, the Supreme Court's constitution-bench ruling in December 2023 upheld the executive and parliamentary actions taken in August 2019. Three factors make the legal reasoning noteworthy:

1. **A previous reading of the "temporary" provisions.** Despite being initially intended to be temporary, the Court emphasized that Article 370 has experienced a history of orders and legislative extensions that have formed its current legal character. The Court's readiness to allow presidential action within particular interpretive frameworks was affected by this historical perspective.
2. **Executive restraints through structural protections.** The Court reaffirmed the importance of constitutional procedures and basic-structure safeguards while sustaining the main legal measures of 2019, indicating that any future attempts to reorder the constitution using only presidential means would be closely examined.
3. **Implications for autonomy and federalism.** The ruling has wider ramifications for how special provisions are handled and center-state relations. Scholars have argued over whether the decision is a *sui generis* adjudication connected to the particular history of Jammu & Kashmir or if it establishes a conceptual template for the alteration of other exceptional arrangements.

Legal validation, normatively speaking, does not always address deficiencies in political legitimacy. Legality and legitimacy are two different things. While courts decide if a constitution is constitutional, political procedures, local control over government, and the resolution of socioeconomic issues are necessary for lasting peace and consent.

9. Discussion: implications and synthesis

A wide range of complicated effects have resulted from the shift from autonomy to Union Territory:

- **Clarity of law but disputed validity.** Important constitutional disputes were settled in favor of the Union's actions by the Supreme Court's decision. However, governmental legitimacy is still disputed by large portions of the populace, which calls for inclusive communication channels.
- **Security: immediate profits, long-term unpredictability.** Although occurrences in 2024–2025 show that strategic vulnerabilities and episodic violence exist, official and independent data indicate reductions in various categories of militancy in the immediate post-2019 years.
- **The economy: more investment but unequal returns.** Although infrastructure funding and central packages have increased capital flows and project activity, policy design that prioritizes local participation and skills is necessary to create jobs and ensure equal gains across regions.
- **Policy conflict between land and domicile.** Local residents became concerned about demographic shifts as a result of changes to land and domicile rules that made it lawful for non-residents to purchase real estate. To lessen conflict, transparent land-record upgrading and safeguards for disadvantaged populations are crucial.

10. Policy recommendations

The following policy actions are suggested in light of the gathered evidence:

1. **Open and honest land management.** To identify anomalous transfers and reassure stakeholders, provide a public, digital land registry site with versioned transaction history and independent audits.
2. **Locally focused economic initiatives.** To guarantee that benefits reach the workers, attach central development money to requirements for local employment quotas, vocational training, and assistance for local MSMEs.
3. **Political devolution in phases.** Establish a legally binding plan for the gradual transfer of authority based on quantifiable standards (security enhancement, rule-of-law measurements, and local capacity building), which will be supervised by an impartial monitoring body that includes civil society.
4. **Independent observation and assessment.** To guide corrective action, commission regular, peer-reviewed assessments of security measures, adherence to human rights, and socioeconomic results.

5. **Civic involvement and reconciliation.** Establish platforms for intercommunal communication, truth-seeking about complaints, and focused civic engagement initiatives with the goal of restoring community and state trust.

11. Conclusion

An important turning point in India's constitutional order was reached with the repeal of Article 370 and the reorganization of Jammu & Kashmir into Union Territories. Despite being legally approved by a Supreme Court Constitution Bench, the move has had conflicting empirical results in terms of social, economic, and security metrics. Beyond a legislative reorganization, the region needs open governance, local empowerment, and a persistent political commitment to reconciliation in order to achieve lasting peace and equitable development. Robust data collection and independent evaluation should be used to closely monitor the medium- and long-term consequences of the 2019 revisions.

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